

## REMARKS

Applicant has amended claim 15, and cancelled claim 17. Thus, claims 9-16, and 18 are pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

### Response To Rejections Under Section 112

Claim 15 stands rejected under 35 U.S.C. § 112. Applicant has amended claim 15 as suggested by the Examiner.

Claim 16 stands rejected under 35 U.S.C. § 112, the Examiner contending claim 16 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that the recitations of “computer control program” and “client computer” are unclear as cited in claim 16. Applicant respectfully submits that the above mentioned recitations are cited in claim 17. Therefore, Applicant respectfully considers this is a typo and claim 17 is rejected under 35 U.S.C. § 112. Applicant has cancelled claim 17.

### Response To Rejections Under Section 103

Claims 9-11 and 13-18 stand rejected under 35 U.S.C. § 103(a), the examiner contending that these claims are obvious over Jung (US 2002/0129150 A1) in view of Shrivastava et al. (US 6,163,855).

#### Independent Claims 9, 16, and 18:

As to independent claims 9, 16, and 18, the Examiner reads that Jung discloses the claimed limitations of transmitting an availability requests by a client to the server; transmitting a response to the availability requests by the server to the client by confirmation message if the server is available. But Jung does not disclose transmitting a message regarding an availability of the server by the client to a plurality of predefinable other clients to prevent a transmission of the availability requests to the server for a predefinable period of time. Shrivastava et al. does disclose broadcasting a message to other nodes in the

cluster regarding the availability of the node manager (server) or any other system in the cluster (fig.2, column 5, lines 10-37). Applicant respectfully submits that the cited references of Shrivastava et al. do not disclose what the Examiner contends. Figure 2 is simply a block diagram representing a server cluster. Column 5 lines 10-37 discloses that in the event that one system detects a communication failure with another system, the detecting system broadcasts a message to the cluster causing other members to verify their view of the current cluster membership. The message is not about the availability of the node manager. In fact, Shrivastava et al. disclose that the node manager manages node configuration information and network configuration information and operates in conjunction with a membership manager that determines what a cluster membership is when a change occurs. A communication manager sends periodic messages to counterpart components on the other systems of the cluster to provide a mechanism for detecting that the communications path is good and that the other systems are operational.

Assuming arguendo, Shrivastava et al. do disclose what the Examiner contend, it still does not disclose Applicant's claimed limitation. Applicant claims transmitting a message regarding an availability of the server by the client to a plurality of predefinable other clients to prevent a transmission of the availability requests to the server for a predefinable period of time. In contrast, Shrivastava et al. disclose that the detecting system broadcasts a message to the cluster causing other members to verify their view of the current cluster membership. All this communication occurs within the server cluster and does not between the clients or between the client and the server.

In view of above, Applicant respectfully submits that the combination of Jung and Shrivastava et al. does not disclose the claimed limitation. Therefore, Applicant respectfully requests that the Examiner withdraws the Section 103 rejection.

Dependent Claims 10-11, and 13-15

Dependent claims 10-11, and 13-15 are patentable based on their dependency from independent claim 9 as well as based on their own merit. Therefore, withdrawal of the Section 103 rejection is respectfully requested.

Claim 12 stands rejected under 35 U.S.C. § 103(a), the examiner contending that claim 12 is obvious over Jung (US 2002/0129150 A1) in view of Shrivastava et al. (US 6,163,855) and further in view of Chen et al. (US 2002/016964 A1).

In connection with the discussion above, dependent claim 12 is patentable based on its dependency from independent claim 9 as well as based on its own merit. Applicant respectfully requests that the Examiner withdraws the Section 103 rejection.

Conclusion

For the foregoing reasons, it is respectfully submitted that rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extension of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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